

#### **IC 27-15-4**

##### **Chapter 4. Public Hearing and Commissioner's Determination**

#### **IC 27-15-4-1**

##### **Commissioner's determination of application completeness; designation of date for public hearing**

Sec. 1. (a) The commissioner shall determine, within forty-five (45) days after the later of:

(1) the submission of an application for approval of a plan of conversion; or

(2) the submission of any amendment to the application;

whether the application is complete.

(b) Upon determining that the application is complete, the commissioner shall designate a date for a public hearing on the plan of conversion and the amendment to the articles of incorporation.

(c) No public hearing by the commissioner under this chapter is required for a simple plan of conversion.

*As added by P.L.94-1999, SEC.3.*

#### **IC 27-15-4-2**

##### **Purpose of public hearing**

Sec. 2. The commissioner shall hold a public hearing upon the plan of conversion and the amendment to the articles of incorporation. The purpose of the public hearing shall be to receive comments and information to aid the commissioner in considering and approving or disapproving the application for approval of the plan of conversion and the amendment to the articles of incorporation. Persons wishing to make comments and submit information may submit written statements before or at the public hearing and may also appear and be heard at the public hearing.

*As added by P.L.94-1999, SEC.3.*

#### **IC 27-15-4-3**

##### **Commencement of hearing; postponement**

Sec. 3. The public hearing shall commence within sixty (60) days after the date on which the commissioner determines the application is complete, unless the converting mutual requests, and the commissioner agrees to, a longer period. In the event that an amendment to the plan of conversion or the application for approval is filed with the commissioner after the commissioner has determined the application is complete, the hearing may be postponed for a period not to exceed sixty (60) days after the filing of the amendment.

*As added by P.L.94-1999, SEC.3.*

#### **IC 27-15-4-4**

##### **Notice of hearing**

Sec. 4. (a) The converting mutual shall provide at least thirty (30) days prior written notice of the hearing to its members and other policyholders as of the date its board of directors adopted the

resolution proposing the plan of conversion.

(b) The notice must include the following:

- (1) A brief statement of the subject of the hearing, the date, time, and location of the hearing.
- (2) A description of members eligible to vote on the plan of conversion and the amendment to the articles of incorporation.
- (3) A statement that the members and policyholders may examine, at the department, the public record portion of the application submitted to the commissioner.
- (4) The address and telephone number of the converting mutual and, if different, the former mutual.

(c) The converting mutual shall provide the commissioner with the proposed form and content of the notice not less than fifteen (15) days before notice is to be provided to the members and policyholders, and the commissioner shall approve or disapprove the form and content of the notice within ten (10) days after its submission to the commissioner. The notice to members and other policyholders shall, after approval by the commissioner, be provided by mail or other means approved by the commissioner.

*As added by P.L.94-1999, SEC.3.*

#### **IC 27-15-4-5**

##### **Publication of notice**

Sec. 5. (a) The converting mutual shall cause notice of the public hearing to be published in a newspaper of general circulation in the city where the principal office of the converting mutual is located, in Indianapolis, and in any other city specified by the commissioner at the time the commissioner determines that the application is complete.

(b) The notice shall be published at least two (2) times at intervals of not less than two (2) weeks, the first publication to be not more than forty-five (45) days and the last publication not less than fifteen (15) days before the public hearing. The notice of the public hearing shall state the purpose of the hearing and the date, time, and place where the hearing will occur.

(c) The converting mutual shall provide the commissioner with the proposed form and content of the notice not less than fifteen (15) days before it is to be first published, and the commissioner shall approve or disapprove the form and content of the notice within ten (10) days after its submission to the commissioner.

*As added by P.L.94-1999, SEC.3.*

#### **IC 27-15-4-6**

##### **Hearing procedures**

Sec. 6. The hearing shall be conducted by the commissioner or by the commissioner's designee, consistent with the procedures described in IC 4-22-2-26.

*As added by P.L.94-1999, SEC.3.*

#### **IC 27-15-4-7**

**Issuance of commissioner's determination**

Sec. 7. (a) The commissioner shall fully consider any comments received at a required hearing consistent with IC 4-22-2-27 before issuing an order approving or disapproving the application, plan of conversion, and amendment to the articles of incorporation.

(b) The commissioner's order or determination shall:

- (1) be issued within thirty (30) days after the last day of the public hearing or, for a simple plan of conversion, within ninety (90) days after the filing of an application for approval of the plan;
- (2) be in writing; and
- (3) detail the reasons why the converting mutual's application is approved or disapproved.

*As added by P.L.94-1999, SEC.3.*

**IC 27-15-4-8****Findings required for application approval**

Sec. 8. The commissioner shall approve the application and permit the conversion under the plan of conversion and the amendment to the articles of incorporation if the commissioner finds, following the public hearing, if required:

- (1) that the amount and form of consideration is fair in the aggregate and to each member class;
- (2) that the plan of conversion and the amendment to the articles of incorporation:
  - (A) comply with this article and other applicable laws;
  - (B) are fair, reasonable, and equitable to the eligible members; and
  - (C) will not prejudice the interests of the other policyholders of the converting mutual; and
- (3) except for a simple plan of conversion, that the total consideration provided to eligible members upon the extinguishing of the converting mutual's membership interests is equal to or greater than the surplus of the converting mutual.

*As added by P.L.94-1999, SEC.3.*

**IC 27-15-4-9****Waiver of findings for application approval**

Sec. 9. The commissioner may waive the requirement of section 8(3) of this chapter upon a showing of good cause.

*As added by P.L.94-1999, SEC.3.*